IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 36 OF 2006
IN
WRIT PETITION NO. 6039 OF 2003

Ratanmala Bapurao Kadam.] .. Appellant

Versus

1. Yeshwant Ghatgenagar Cooperative Housing Society Ltd. & 6 ors.] .. Respondents

Mr. Rajiv Patil for the appellant.

Mr. S.K. Jain for respondent No.2.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 26TH JUNE, 2006

P.C. :

. Heard Mr. Rajiv Patil, the counsel for the appellant. Mr. Patil submits that by the order dated 26th February, 2001, the Deputy Registrar directed that the appellant was to be declared as deemed member and others as associate members. Thereafter on 7th May, 2001 the Society passed a Resolution making appellant as member. He submits that in view thereof, the appellant is the member of the Society and it has to be recorded as such in the record of the Society.

2. It is true that on 26th February, 2001 the Deputy Registrar directed the appellant to be declared as deemed member and on 7th May, 2001 the Society passed Resolution making the appellant as the member. However, the respondent No.2 challenged the order of the Deputy Registrar by filing Revision before Divisional Joint Registrar. On 16th June, 2001 the Divisional Joint Registrar granted ad-interim stay of the order dated 26th February, 2001 passed by the Deputy Registrar. Ultimately, on 10th July 2003 the Divisional Joint Registrar allowed the Revision Application and set aside the order dated 26th February, 2001. Aggrieved thereby, the present appellant filed Writ Petition. The said Writ Petition was disposed of by the impugned order dated 9th December, 2005 by the learned Single Judge. The learned Single Judge directed that the Society viz. Yeshwant Ghatgenagar Cooperative Housing Society Limited shall maintain status quo as on that date in respect of the membership on the record of the society and the society shall not alter the said membership on application of any party whatsoever. As regards possession, parties were directed to maintain status quo. In our considered view, the order does not call for any interference. Obviously as per the order dated 9th December, 2005 society shall have to maintain status

quo in respect of membership on the record of the society as on 9th December, 2005. The appellant has already filed a Civil Suit and that is said to be pending. For all these reasons, no interference is called for. Appeal is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]